

**U.S. District Court
Northern District of Florida (Pensacola)
CIVIL DOCKET FOR CASE #: 3:17-cv-00679-TKW-EMT**

SARTORI v. UNITED STATES ARMY
Assigned to: JUDGE T KENT WETHERELL II
Referred to: MAGISTRATE JUDGE ELIZABETH M
TIMOTHY
Cause: 05:552 Right to Privacy Act

Date Filed: 09/13/2017
Jury Demand: None
Nature of Suit: 895 Freedom of
Information Act
Jurisdiction: U.S. Government Defendant

Plaintiff

JASON SARTORI

represented by **MICHAEL STANSKI**
LAW OFFICE OF MICHAEL STANSKI
3955 RIVERSIDE AVENUE
JACKSONVILLE, FL 32205
904-370-3483
Email: michael@stanskilaw.com
ATTORNEY TO BE NOTICED

V.

Defendant

UNITED STATES ARMY

represented by **LEAH ANN BUTLER**
US ATTORNEY – PENSACOLA FL
NORTHERN DISTRICT OF FLORIDA
21 E GARDEN ST
STE 400
PENSACOLA, FL 32502-5675
850/444-4000
Fax: 850/434-9050
Email: leah.butler@usdoj.gov
ATTORNEY TO BE NOTICED

Date Filed	#	Docket Text
09/13/2017	<u>1</u>	COMPLAINT against UNITED STATES ARMY (Filing fee \$ 400 receipt number AFLNDC-3973549.), filed by JASON SARTORI. (STANSKI, MICHAEL) (Entered: 09/13/2017)
09/14/2017	<u>2</u>	DOCKET ANNOTATION BY COURT: Pursuant to N.D. Fla. Loc. R. 5.2, a complete and executed Civil Cover Sheet is required in each civil case filed. Please file the civil cover sheet using the event selection "Civil Cover Sheet" which is found under "Other Filings," "Other Documents." (sdw) (Entered: 09/14/2017)
09/15/2017	<u>3</u>	CIVIL COVER SHEET. (STANSKI, MICHAEL) (Entered: 09/15/2017)
09/15/2017	<u>4</u>	NOTICE <i>Summons</i> by JASON SARTORI (STANSKI, MICHAEL) (Entered: 09/15/2017)
09/15/2017	<u>5</u>	NOTICE <i>Summons</i> by JASON SARTORI (STANSKI, MICHAEL) (Entered: 09/15/2017)
09/18/2017	<u>6</u>	Summons Issued as to US Attorney. (Attachments: # <u>1</u> Department of Justice) (sdw) (Entered: 09/18/2017)
10/19/2017	<u>7</u>	NOTICE of Appearance by LEAH ANN BUTLER on behalf of UNITED STATES ARMY (BUTLER, LEAH) (Entered: 10/19/2017)
10/19/2017	<u>8</u>	<i>Defendant's</i> ANSWER to <u>1</u> Complaint by UNITED STATES ARMY. (BUTLER, LEAH) (Entered: 10/19/2017)
10/19/2017		ACTION REQUIRED BY DISTRICT JUDGE: Chambers of CHIEF JUDGE M CASEY RODGERS notified that action is needed Re: <u>8</u> Answer to Complaint. (please see proposed ISO) (sdw) (Entered: 10/19/2017)

10/20/2017	<u>9</u>	INITIAL SCHEDULING ORDER : Fed.R.Civ.P. 7.1 Corporate Disclosure Statement Deadline set for 11/3/2017 . Rule 26 Meeting Report due by 12/4/2017 . Discovery due by 3/19/2018 . Signed by CHIEF JUDGE M CASEY RODGERS on 10/20/2017. (sdw) (Entered: 10/20/2017)
11/29/2017	<u>10</u>	REPORT of Rule 26(f) Planning Meeting. (STANSKI, MICHAEL) (Entered: 11/29/2017)
11/29/2017		ACTION REQUIRED BY DISTRICT JUDGE: Chambers of CHIEF JUDGE M CASEY RODGERS notified that action is needed Re: <u>10</u> Report of Rule 26(f) Planning Meeting. (sdw) (Entered: 11/29/2017)
12/15/2017	<u>11</u>	ORDER. The deadlines in the Court's Initial Scheduling Order are tolled pending further order of the Court. The parties are directed to file a status report on or before February 15, 2018, advising the Court of the status of their negotiations to resolve Plaintiff's objections. Plaintiff will be allowed until February 15, 2018 to amend the Complaint. (Deadline for Status Report/Amend complaint by 2/15/2018 .) Signed by CHIEF JUDGE M CASEY RODGERS on 12/15/2017. (sdw) (Entered: 12/15/2017)
02/02/2018	<u>12</u>	NOTICE UNAVAILABILITY FOR MILITARY SERVICE by JASON SARTORI (STANSKI, MICHAEL) (Entered: 02/02/2018)
02/02/2018		ACTION REQUIRED BY DISTRICT JUDGE: Chambers of CHIEF JUDGE M CASEY RODGERS notified that action is needed Re: <u>12</u> NOTICE UNAVAILABILITY FOR MILITARY SERVICE. (sdw) (Entered: 02/02/2018)
02/05/2018	<u>13</u>	FIRST AMENDED COMPLAINT against UNITED STATES ARMY, filed by JASON SARTORI. (Attachments: # <u>1</u> Exhibit Exhibit A to Amended Complaint) (STANSKI, MICHAEL) (Entered: 02/05/2018)
02/15/2018	<u>14</u>	STATUS REPORT (<i>Joint Report</i>) by Jason Sartori and by UNITED STATES ARMY. (BUTLER, LEAH) (Entered: 02/15/2018)
02/15/2018		ACTION REQUIRED BY DISTRICT JUDGE: Chambers of CHIEF JUDGE M CASEY RODGERS notified that action is needed Re: <u>14</u> Status Report, <u>13</u> Amended Complaint. (sdw) (Entered: 02/15/2018)
02/16/2018	<u>15</u>	ORDER granting <u>14</u> Status Report – Request for Extension of Time. The deadlines in the Court's Initial Scheduling Order will continue to toll until further order of the Court. The parties are directed to file a status report on or before 4/18/2018 , advising the Court of the status of their negotiations to resolve Plaintiff's objections. Signed by CHIEF JUDGE M CASEY RODGERS on 2/16/2018. (djb) (Entered: 02/16/2018)
04/17/2018	<u>16</u>	STATUS REPORT by JASON SARTORI. (STANSKI, MICHAEL) (Entered: 04/17/2018)
04/18/2018		ACTION REQUIRED BY DISTRICT JUDGE: Chambers of CHIEF JUDGE M CASEY RODGERS notified that action is needed Re: <u>16</u> Status Report. (sdw) (Entered: 04/18/2018)
04/18/2018	<u>17</u>	ORDER. The Court will continue to toll all deadlines until May 21, 2018, at which time the parties must file a status report, advising the Court as to the negotiation and providing the Court with a proposed summary judgment briefing schedule. (Status Report due by 5/21/2018 .) Signed by CHIEF JUDGE M CASEY RODGERS on 4/18/2018. (sdw) (Entered: 04/18/2018)
04/19/2018	<u>18</u>	<i>Defendant's</i> ANSWER to <u>13</u> Amended Complaint by UNITED STATES ARMY. (BUTLER, LEAH) (Entered: 04/19/2018)
05/21/2018	<u>19</u>	STATUS REPORT of Parties by UNITED STATES ARMY. (BUTLER, LEAH) (Entered: 05/21/2018)
05/21/2018		ACTION REQUIRED BY DISTRICT JUDGE: Chambers of CHIEF JUDGE M CASEY RODGERS notified that action is needed Re: <u>19</u> STATUS REPORT of Parties. (sdw) (Entered: 05/21/2018)
05/22/2018	<u>20</u>	ORDER re <u>19</u> Status Report. The relief requested is GRANTED. The deadlines in the Court's Initial Scheduling Order will continue to toll until May 29, 2018. On or before that date, the parties must file a status report advising the Court of the status of their

		negotiations and, if applicable, providing a proposed summary judgment briefing schedule. (Status Report due by <u>5/29/2018</u> .) Signed by CHIEF JUDGE M CASEY RODGERS on 5/22/2018. (sdw) (Entered: 05/22/2018)
05/29/2018	<u>21</u>	STATUS REPORT and Proposed Briefing Schedule by UNITED STATES ARMY. (BUTLER, LEAH) (Entered: 05/29/2018)
05/29/2018		ACTION REQUIRED BY DISTRICT JUDGE: Chambers of CHIEF JUDGE M CASEY RODGERS notified that action is needed Re: <u>21</u> Status Report and Proposed Briefing Schedule (djb) (Entered: 05/29/2018)
05/29/2018	<u>22</u>	ORDER – The <u>21</u> Status Report and Proposed Briefing Schedule is GRANTED. The discovery deadlines in the Courts <u>9</u> Initial Scheduling Order are hereby vacated. Defendant's motion for summary judgment is due on or before <u>7/13/2018</u> . Plaintiff's response to Defendant's motion for summary judgment is due on or before <u>8/27/2018</u> . Signed by CHIEF JUDGE M CASEY RODGERS on 5/29/2018. (djb) (Entered: 05/29/2018)
06/18/2018	<u>23</u>	Consent MOTION PRODUCTION OF A VAUGHN INDEX by JASON SARTORI. (STANSKI, MICHAEL) (Entered: 06/18/2018)
06/18/2018		ACTION REQUIRED BY MAGISTRATE JUDGE: Chambers of MAGISTRATE JUDGE ELIZABETH M TIMOTHY notified that action is needed Re: <u>23</u> Consent MOTION PRODUCTION OF A VAUGHN INDEX . Referred to ELIZABETH M TIMOTHY. (sdw) (Entered: 06/18/2018)
06/20/2018	<u>24</u>	ORDER. Defendant must file a response to Plaintiff's motion (ECF No. <u>23</u>) on or before JUNE 28, 2018. Signed by MAGISTRATE JUDGE ELIZABETH M TIMOTHY on 06/20/2018. (Response to motion due by <u>6/28/2018</u> .) (MB) (Entered: 06/20/2018)
06/26/2018	<u>25</u>	RESPONSE to Motion re <u>23</u> Consent MOTION PRODUCTION OF A VAUGHN INDEX filed by UNITED STATES ARMY. (BUTLER, LEAH) (Entered: 06/26/2018)
06/26/2018		ACTION REQUIRED BY MAGISTRATE JUDGE: Chambers of MAGISTRATE JUDGE CHARLES J KAHN, JR notified that action is needed Re: <u>25</u> Response to Motion. (sdw) (Entered: 06/26/2018)
06/26/2018	<u>26</u>	ORDER. Plaintiff's Motion for Production of a Vaughn Index (ECF No. <u>23</u>) is GRANTED. The Government shall produce the index on or before July 13, 2018. Signed by MAGISTRATE JUDGE ELIZABETH M TIMOTHY on 6/26/2018. (sdw) (Entered: 06/26/2018)
07/13/2018	<u>27</u>	MOTION to Extend Time to File Motion for Summary Judgment and a Vaughn Index by UNITED STATES ARMY. (BUTLER, LEAH) (Entered: 07/13/2018)
07/16/2018		ACTION REQUIRED BY DISTRICT JUDGE: Chambers of JUDGE M CASEY RODGERS notified that action is needed Re: <u>27</u> MOTION to Extend Time to File Motion for Summary Judgment and a Vaughn Index (djb) (Entered: 07/16/2018)
07/16/2018	<u>28</u>	ORDER granting <u>27</u> Defendants' Unopposed Motion to Extend Time to File Motion for Summary Judgment and a Vaughn Index. Signed by JUDGE M CASEY RODGERS on 7/16/2018. (Summary Judgment Motion to be filed by <u>7/23/2018</u> .) (djb) (Entered: 07/16/2018)
07/23/2018	<u>29</u>	MOTION for Leave to File Excess Pages by UNITED STATES ARMY. (Attachments: # <u>1</u> Motion for Summary Judgment and Motion to Dismiss with Exhibits) (BUTLER, LEAH) (Entered: 07/23/2018)
07/23/2018	<u>30</u>	MOTION FOR SUMMARY JUDGMENT AS TO COUNTS ONE–THREE and MOTION TO DISMISS AS TO COUNTS FOUR–FIVE by UNITED STATES ARMY. (Internal deadline for referral to judge if response to summary judgment not filed earlier: <u>8/13/2018</u>). (sdw) (Entered: 07/23/2018)
07/23/2018		ACTION REQUIRED BY DISTRICT JUDGE: Chambers of JUDGE M CASEY RODGERS notified that action is needed Re: <u>29</u> MOTION for Leave to File Excess Pages. (sdw) (Entered: 07/23/2018)

07/24/2018	<u>31</u>	ORDER granting <u>29</u> Motion for Leave to File Excess Pages. The word limit for Defendant's memorandum is increased as requested, not to exceed 12,923 words. Signed by JUDGE M CASEY RODGERS on 7/24/2018. (sdw) (Entered: 07/24/2018)
08/01/2018	<u>32</u>	Consent MOTION for Extension of Time to File Response/Reply as to <u>30</u> MOTION for Summary Judgment by JASON SARTORI. (STANSKI, MICHAEL) (Entered: 08/01/2018)
08/01/2018		ACTION REQUIRED BY DISTRICT JUDGE: Chambers of JUDGE M CASEY RODGERS notified that action is needed Re: <u>32</u> Consent MOTION for Extension of Time to File Response as to <u>30</u> MOTION for Summary Judgment (djb) (Entered: 08/01/2018)
08/01/2018	<u>33</u>	ORDER granting <u>32</u> Consent MOTION for Extension of Time until September 3, 2018 to Respond to <u>30</u> MOTION for Summary Judgment. Signed by JUDGE M CASEY RODGERS on 8/1/18. (mjm) (Internal deadline for referral to judge if response not filed earlier: <u>9/3/2018</u> .) (Entered: 08/01/2018)
09/01/2018	<u>34</u>	MOTION to Stay re <u>30</u> MOTION for Summary Judgment , MOTION to Compel by JASON SARTORI. (STANSKI, MICHAEL) (Entered: 09/01/2018)
09/01/2018		Set Deadlines re <u>34</u> MOTION to Stay. (Internal deadline for referral to judge if response not filed earlier: <u>9/17/2018</u> .) (sdw) (Entered: 09/04/2018)
09/17/2018	<u>35</u>	MOTION for Extension of Time to File Response/Reply as to <u>34</u> MOTION to Stay re <u>30</u> MOTION for Summary Judgment MOTION to Compel by UNITED STATES ARMY. (BUTLER, LEAH) (Entered: 09/17/2018)
09/17/2018		ACTION REQUIRED BY DISTRICT JUDGE: Chambers of JUDGE M CASEY RODGERS notified that action is needed Re: <u>35</u> MOTION for Extension of Time to File Response. (sdw) (Entered: 09/17/2018)
09/17/2018	<u>36</u>	ORDER granting <u>35</u> MOTION for Extension of Time to File Response. (Response due by <u>10/1/2018</u> .) Signed by JUDGE M CASEY RODGERS on 9/17/2018. (sdw) (Entered: 09/17/2018)
10/01/2018	<u>37</u>	REPLY to Response to Motion re <u>34</u> MOTION to Stay re <u>30</u> MOTION for Summary Judgment MOTION to Compel filed by UNITED STATES ARMY. (Attachments: # <u>1</u> Exhibit 1, # <u>2</u> Exhibit 2, # <u>3</u> Exhibit 3, # <u>4</u> Exhibit 4) (BUTLER, LEAH) (Entered: 10/01/2018)
10/01/2018		ACTION REQUIRED BY DISTRICT JUDGE: Chambers of JUDGE M CASEY RODGERS notified that action is needed Re: <u>37</u> Reply. (sdw) (Entered: 10/01/2018)
11/08/2018	<u>38</u>	ORDER – Plaintiff's <u>34</u> MOTION to Stay his response to the <u>30</u> MOTION for Summary Judgment and <u>34</u> Motion to Dismiss is GRANTED, and the Court DEFERS ruling on Plaintiff's response as to Count II. Plaintiff's <u>34</u> MOTION to Compel together with Defendant's <u>37</u> Response to the motion to compel is referred to Chief Magistrate Judge Elizabeth Timothy for further proceedings. If the motion to compel is denied, Plaintiffs response to the pending summary judgment motion is due within 14 days after the Chief Magistrate Judge's order denying the motion. If the motion is granted, the Clerk is directed to refer the case back to the undersigned for the purpose of establishing a response date. Signed by JUDGE M CASEY RODGERS on 11/8/2018. Motions referred to ELIZABETH M TIMOTHY. (djb) (Entered: 11/08/2018)
11/08/2018		ACTION REQUIRED BY MAGISTRATE JUDGE: Chambers of MAGISTRATE JUDGE ELIZABETH M TIMOTHY notified that action is needed Re: <u>34</u> MOTION to Compel, <u>37</u> Response to Motion. Re: <u>38</u> Order Referred to ELIZABETH M TIMOTHY. (djb) (Entered: 11/08/2018)
11/14/2018	<u>39</u>	AMENDED ORDER. The Court reassigns this matter to Recalled Magistrate Judge Douglas N. Frazier for resolution of the pending motion to compel. Signed by JUDGE M CASEY RODGERS on 11/14/2018. (sdw) (Entered: 11/14/2018)
01/10/2019	<u>40</u>	ORDER Denying <u>34</u> MOTION to Compel filed by Pltf JASON SARTORI. The Court finds that Deft provided a legally sufficient Vaughn index. The Court defers from addressing the remaining raised issues. Signed by Magistrate Judge Douglas N Frazier on 1/10/19. (mjm) (Pursuant to <u>38</u> Order, Internal deadline for referral to judge if Pltf's

		response to <u>30</u> Motion for Summary Judgment not filed earlier: 1/24/2019 .) (Entered: 01/10/2019)
01/24/2019	<u>41</u>	RESPONSE by JASON SARTORI re <u>40</u> Order., Set Deadlines, . (STANSKI, MICHAEL) (Entered: 01/24/2019)
01/24/2019		ACTION REQUIRED BY DISTRICT JUDGE: Chambers of JUDGE M CASEY RODGERS notified that action is needed Re: <u>41</u> Objection. (sdw) (Entered: 01/24/2019)
03/09/2019	<u>42</u>	ORDER. The Rule 72(a) Objection, ECF No. <u>41</u> , is SUSTAINED. Defendant's Motion for Summary Judgment as to Counts I-III and to Dismiss as to Count IV, see ECF No. <u>30</u> , is DENIED without prejudice with leave to refile within 45 days together with a Vaughn index consistent with this Order. Count V of Plaintiff's Amended Complaint is DISMISSED. Plaintiff has 14 days after Defendant refiles its motion for summary judgment to file a response. Signed by JUDGE M CASEY RODGERS on <u>03/09/2019</u> . (Hay, Eugene) Modified on 3/11/2019 to edit docket text (sdw). (Entered: 03/09/2019)
03/09/2019		Set Deadlines re <u>42</u> Order. Motion for Summary Judgment due by 4/23/2019 . Response to Motion due by 5/7/2019 . (sdw) (Entered: 03/11/2019)
04/23/2019	<u>43</u>	MOTION for Leave to File Excess Pages by UNITED STATES ARMY. (BUTLER, LEAH) (Entered: 04/23/2019)
04/23/2019	<u>44</u>	Second MOTION for Summary Judgment <i>as to Counts One–Three and Motion to Dismiss or, in the Alternative for Summary Judgment, as to Count Four</i> by UNITED STATES ARMY. (Attachments: # <u>1</u> Exhibit, # <u>2</u> Exhibit, # <u>3</u> Exhibit, # <u>4</u> Exhibit, # <u>5</u> Exhibit, # <u>6</u> Exhibit, # <u>7</u> Exhibit, # <u>8</u> Exhibit, # <u>9</u> Exhibit, # <u>10</u> Exhibit, # <u>11</u> Exhibit, # <u>12</u> Exhibit) (BUTLER, LEAH) (Entered: 04/23/2019)
04/24/2019		ACTION REQUIRED BY DISTRICT JUDGE: Chambers of JUDGE M CASEY RODGERS notified that action is needed Re: <u>43</u> MOTION for Leave to File Excess Pages . (sdw) (Entered: 04/24/2019)
04/24/2019	<u>45</u>	ORDER granting <u>43</u> Motion for Leave to File Excess Pages. Signed by JUDGE M CASEY RODGERS on <u>4/24/2019</u> . (sdw) (Entered: 04/24/2019)
04/30/2019	<u>46</u>	Consent MOTION for Extension of Time to File Response/Reply as to <u>44</u> Second MOTION for Summary Judgment <i>as to Counts One–Three and Motion to Dismiss or, in the Alternative for Summary Judgment, as to Count Four</i> by JASON SARTORI. (STANSKI, MICHAEL) (Entered: 04/30/2019)
04/30/2019		ACTION REQUIRED BY DISTRICT JUDGE: Chambers of JUDGE M CASEY RODGERS notified that action is needed Re: <u>46</u> Consent MOTION for Extension of Time to File Response. (sdw) (Entered: 04/30/2019)
04/30/2019	<u>47</u>	ORDER granting <u>46</u> Consent MOTION for Extension of Time to File Response as to <u>44</u> Second MOTION for Summary Judgment <i>as to Counts One– Three and Motion to Dismiss or, in the Alternative for Summary Judgment, as to Count Four</i> filed by JASON SARTORI. (Response due by 7/8/2019 .) Signed by JUDGE M CASEY RODGERS on <u>4/30/2019</u> . (sdw) (Entered: 04/30/2019)
07/08/2019	<u>48</u>	RESPONSE to Motion re <u>44</u> Second MOTION for Summary Judgment <i>as to Counts One–Three and Motion to Dismiss or, in the Alternative for Summary Judgment, as to Count Four</i> filed by JASON SARTORI. (Attachments: # <u>1</u> Exhibit Defendant letter to Plaintiff, # <u>2</u> Exhibit Mr. Sartori's summary of Defendant's April 2019 FOIA production) (STANSKI, MICHAEL) (Entered: 07/08/2019)
07/08/2019		Set Deadlines re <u>48</u> Response to Motion. Reply due by 7/15/2019 . (sdw) (Entered: 07/09/2019)
07/15/2019	<u>49</u>	MOTION for Extension of Time to File Response/Reply as to <u>48</u> Response to Motion, by UNITED STATES ARMY. (BUTLER, LEAH) (Entered: 07/15/2019)
07/15/2019		Set Deadlines re <u>49</u> MOTION for Extension of Time to File Reply. (Internal deadline for referral to judge if response not filed earlier: 7/29/2019 .) (sdw) (Entered: 07/16/2019)

07/16/2019	<u>50</u>	RESPONSE to Motion re <u>49</u> MOTION for Extension of Time to File Response/Reply as to <u>48</u> Response to Motion, filed by JASON SARTORI. (STANSKI, MICHAEL) (Entered: 07/16/2019)
07/16/2019		ACTION REQUIRED BY DISTRICT JUDGE: Chambers of JUDGE M CASEY RODGERS notified that action is needed Re: <u>49</u> MOTION for Extension of Time to File Reply, <u>50</u> Response to Motion. (sdw) (Entered: 07/16/2019)
07/16/2019	<u>51</u>	ORDER REASSIGNING CASE. Case reassigned to JUDGE T KENT WETHERELL II for all further proceedings. JUDGE M CASEY RODGERS no longer assigned to case. Signed by CHIEF JUDGE MARK E WALKER on 7/16/2019. (erl)**Please use the new judge's initials for all future filings: 3:17cv679-TKW/EMT. (Entered: 07/16/2019)
07/22/2019	<u>52</u>	ORDER granting <u>49</u> MOTION for Extension of Time to File Reply filed by UNITED STATES ARMY. (Reply due by <u>8/5/2019</u> .) Signed by JUDGE T KENT WETHERELL II on 7/22/2019. (sdw) (Entered: 07/22/2019)
07/31/2019	<u>53</u>	MOTION for Attorney Fees (<i>Interim Attorney Fees</i>) by JASON SARTORI. (STANSKI, MICHAEL) (Entered: 07/31/2019)
07/31/2019		Set Deadlines re <u>53</u> MOTION for Attorney Fees (Interim Attorney Fees). (Internal deadline for referral to judge if response not filed earlier: <u>8/14/2019</u>) (sdw) (Entered: 07/31/2019)
08/05/2019	<u>54</u>	REPLY by UNITED STATES ARMY re <u>48</u> Response to Motion, . (Attachments: # <u>1</u> Exhibit) (BUTLER, LEAH) (Entered: 08/05/2019)
08/05/2019		ACTION REQUIRED BY DISTRICT JUDGE: Chambers of JUDGE T KENT WETHERELL II notified that action is needed Re: <u>54</u> Reply. (sdw) (Entered: 08/05/2019)